

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

PEGGY J. ERWIN

Plaintiff

V.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

Defendant

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No. 5:06CV68

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's Unopposed Motion for Remand (Dkt. No. 12) is hereby **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered civil action is **REVERSED** and **REMANDED** under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administrative for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

ORDERED that on remand an ALJ shall proceed past step four of the sequential evaluation and consider whether Plaintiff can perform other jobs existing in significant numbers in the national

economy. The ALJ shall call a vocational expert to testify about the occupational significance of Plaintiff's residual functional capacity. It is further

ORDERED that all motions not previously ruled on are denied, and the referral order is **VACATED**.

SIGNED this 21st day of February, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE